

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

WILLIAM LEE GRANT II,

Plaintiff,

v.

**U S DEPARTMENT OF
TRANSPORTATION,**

Defendant.

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CIVIL ACTION NO. 6:18-CV-00290-RWS

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**


The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. Plaintiff initiated this action on June 21, 2018. Docket No. 1. On June 25, 2018, the Magistrate Judge issued an Order to Amend (Docket No. 5), ordering that Plaintiff file an amended complaint addressing the following deficiencies: (1) failure to make “a short and plain statement of the grounds for the court’s jurisdiction;” and (2) failure to make “a short and plain statement showing that the pleader is entitled to relief.” *Id.* citing FED.R.CIV.P. 8. On June 29, 2018, Plaintiff received the Magistrate Judge’s Order to Amend. Docket No. 7. On July 3, 2018, Plaintiff filed objections to the Magistrate Judge’s Order, but did not otherwise timely amend his complaint as ordered by the Magistrate Judge. Docket No. 6. On July 18, 2018, after determining that Plaintiff’s attachments were “a mere markup of the [Magistrate Judge]’s previously issued Order” and that they did not cure the aforementioned deficiencies in the original complaint, the Magistrate Judge issued a Report and Recommendation, recommending that Plaintiff’s claims be dismissed with prejudice for failure

to state a claim upon which relief can be granted. Docket No. 8. On July 18, 2018, Plaintiff received the Magistrate Judge's Report and Recommendation. On July 30, 2018, Plaintiff filed an objection to the Magistrate Judge's Report and Recommendation, but did not otherwise timely amend his complaint as ordered by the Magistrate Judge. Docket No. 9. The Court reviews *de novo* the portions of the Magistrate Judge's findings to which objections have been raised. 28 U.S.C. § 636 (b)(1).

Plaintiff does not raise any actual objections to the Magistrate Judge's Report and Recommendation. *See* Docket No. 9. Rather, the objection is a markup of the first page of the Magistrate Judge's Report and Recommendation. *See id.* As the Magistrate Judge correctly found, Plaintiff has not stated a claim for which relief can be granted. *See* Docket No. 8 at 2 (citing Docket No. 5). Plaintiff's markups to the Magistrate Judge's Report and Recommendation do not state claims against the U.S. Department of Transportation, but instead appear to state grievances against the Illinois Department of Transportation. Docket No. 9. These allegations do not contain sufficient facts to state a federal claim and do not contain any allegations against the named Defendant in this matter—the U.S. Department of Transportation. For these reasons, the Court agrees with the Magistrate Judge that the complaint should be dismissed.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the complaint is hereby **DISMISSED WITH PREJUDICE**.

SIGNED this 31st day of October, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE